

EDMONDS CITY COUNCIL APPROVED MINUTES

October 19, 2010

At 5:00 p.m., Council President Steve Bernheim called the Special Meeting to order in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Steve Bernheim, Council President
Strom Peterson, Councilmember
Lora Petso, Councilmember
Michael Plunkett, Councilmember
Diane Buckshnis, Councilmember
Adrienne Fraley-Monillas, Councilmember (*arrived at 6:10 p.m.*)

STAFF PRESENT

Al Compaan, Chief of Police
Debi Humann, Human Resources Director
Sandy Chase, City Clerk
Jana Spellman, Sr. Executive Council Asst.

Council President Bernheim explained that the purpose of the 5:00 p.m. Special Meeting was to interview applicants for the City Council Budget Analyst. He stated that three applications were received in response to the Request for Qualifications advertized for the position. A 30-minute interview was scheduled for each applicant.

The following individuals were interviewed:

5:00 p.m. – Harry M. Gatjens
5:30 p.m. – Gary Morgan
6:00 p.m. – Ash Consulting – Erica Ash and Melanie Yunis

The interviews concluded at 6:16 p.m.

At 6:30 p.m. Mayor Cooper announced that the City Council would meet in executive session regarding threatened litigation and labor negotiation strategy. He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Cooper and Councilmembers Bernheim, Plunkett, Fraley-Monillas, Buckshnis, Peterson, and Petso. Others present were City Attorney Scott Snyder, Attorney Geoff Bridgman, Human Resources Director Debi Humann, City Engineer Rob English, Public Works Director Phil Williams, and City Clerk Sandy Chase.

At 7:00 p.m., Mayor Cooper announced the executive session would be extended until 7:15 p.m. At 7:15 p.m. City Clerk Sandy Chase announced the executive session would be extended until 7:30 p.m. The executive session concluded at 7:28 p.m.

The regular City Council meeting was called to order at 7:35 p.m. by Mayor Cooper in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Mike Cooper, Mayor
Steve Bernheim, Council President
Michael Plunkett, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember
Strom Peterson, Councilmember
Diane Buckshnis, Councilmember

ELECTED OFFICIALS ABSENT

D. J. Wilson, Councilmember

ALSO PRESENT

Peterson Gibson, Student Representative

STAFF PRESENT

Al Compaan, Police Chief
Stephen Clifton, Community Services/Economic
Development Director
Brian McIntosh, Parks & Recreation Director
Phil Williams, Public Works Director
Lorenzo Hines, Finance Director
Rob Chave, Planning Manager
Rob English, City Engineer
Gina Coccia, Planner
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY. (Council President Bernheim was not present for the vote.)

2. CONSENT AGENDA ITEMS

Councilmember Petso requested Item F be removed from the Consent Agenda.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER PETSO, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. (Council President Bernheim was not present for the vote.)The agenda items approved are as follows:

- A. ROLL CALL**
- B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF OCTOBER 5, 2010.**
- C. APPROVAL OF CLAIM CHECKS #121604 THROUGH #121730 DATED OCTOBER 7, 2010 FOR \$553,178.24, AND CLAIM CHECKS #121731 THROUGH #121844 DATED OCTOBER 14, 2010 FOR \$208,454.39. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #49850 THROUGH #49885 FOR THE PERIOD SEPTEMBER 16, 2010 THROUGH SEPTEMBER 30, 2010 FOR \$649,462.10.**
- D. ACCEPTANCE OF SEPTEMBER 2010 WASHINGTON STATE LIQUOR CONTROL BOARD RENEWAL LOG.**
- E. AUTHORIZE \$82,415 IN MOTOR VEHICLE FUEL TAX FROM THE STREET CONSTRUCTION/IMPROVEMENT FUND (FUND #112) FOR THE 2009 ASPHALT OVERLAY PROJECT.**
- G. ADOPT ORDINANCE NO. 3812 – RELATING TO PUBLIC RECORDS; AMENDING EDMONDS CITY CODE 1.20.020 TO MAKE THE CODE CONSISTENT WITH 2010 LEGISLATION.**

ITEM F. APPROVE CONTRACT FOR PROFESSIONAL SERVICES - CITY OF EDMONDS PROSECUTOR

Councilmember Petso explained the Prosecutor's contract includes an increase to \$156,000/year. The 2010 budget for the Prosecutor was \$138,000. The most recent actual is \$72,000 in 2007, indicating the Prosecutor's contract has more than doubled since 2007. She requested additional time to research that increase, whether it was necessary, appropriate and warranted. She requested the Finance Committee consider the contract again at their November meeting.

Councilmember Buckshnis explained the Police Chief explained to the Finance Committee that the contract reflects the increase from one calendar per week to two calendar nights per week. She agreed further research should be done to determine whether the increase was warranted if the case load has not changed.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO REFER THIS ITEM TO THE NOVEMBER FINANCE COMMITTEE MEETING. MOTION CARRIED UNANIMOUSLY. (Council President Bernheim was not present for the vote.)

Mayor Cooper asked when the Prosecutor's contract expires. Police Chief Al Compaan answered the current contract is technically not expired; the original term ended March 31, 2010. The contract can be extended by mutual agreement of both parties for up to two additional years. For the additional work the Prosecutor does in the interim, he expected to be billed on an hourly basis.

For Councilmember Plunkett, Chief Compaan answered the Prosecutor's contract is included in the draft 2011 budget under Non-departmental. Mayor Cooper advised the draft 2011 budget includes \$144,000 for the Prosecutor. The proposed contract would take effect before the end of the year. Finance Director Lorenzo Hines explained there was enough authority in the 2010 budget at \$144,000 to fund the contract through yearend. The full year cost of the contract is \$156,000; if the Council approves the Prosecutor's contract, augmentation of the draft 2011 budget will be required.

Remarks by Councilmember Fraley-Monillas

Councilmember Fraley-Monillas explained she was diagnosed with lung cancer in July. After numerous tests, her doctors decided to remove the lower two lobes of her right lung which was done successfully approximately one month ago. She will begin a 16-week course of chemotherapy next week as a precautionary measure.

Although she quit smoking eleven years ago, lung cancer is the fastest growing cancer among young women who have never smoked. Notable people who have died of lung cancer include Dana Reeves, Christopher Reeves' wife, and Peter Jennings. She explained lung cancer is a silent killer because it is often not discovered early. Her cancer was detected early because it was in one of her windpipes. November is Lung Cancer Month. Lung cancer kills more people than breast, colon and ovarian cancers combined. Unfortunately because of the stigmatism of lung cancer, it does not receive the attention or research funding that many other cancers do.

She thanked everyone for their prayers, candy, flowers, books, cards, emails and support. She thanked the Councilmembers who kept in contact with her. She expressed her appreciation to Mayor Cooper, a cancer survivor, for his support.

In conclusion, Councilmember Fraley-Monillas also thanked Mayor Cooper for the budget he prepared in her absence.

3. **INTRODUCTION OF NEW STUDENT REPRESENTATIVE**

Council President Bernheim introduced Peter Gibson, a student at Edmonds Woodway High School and described his background. Student Representative Gibson commented he has attended Council meetings in the past related to neighborhood issues and was interested in participating as the Student Representative.

4. **PROCLAMATION DECLARING OCTOBER 17TH-23RD "FRIENDS OF THE EDMONDS LIBRARY WEEK."**

Mayor Cooper read a Proclamation declaring October 17-23 Friends of the Edmonds Library Week.

Richard Suico, Interim Managing Librarian, Edmonds Library, thanked the City for recognizing the value of the Friends of the Edmonds Library. As a result of their hard work and the funds they raise, the library is able to promote literacy and programs for children, teens and adults.

Maryanne Zagorski, Edmonds Library Board Chair, invited the Council, Mayor and public to the Friends of the Edmonds Library book sale. A preview sale for members only is on Friday, October 22 from 4:00 – 6:00 p.m.; the public can become members at the door. The sale is open to everyone on Saturday from 9:00 a.m. – 4:00 p.m. and a bulk sale, \$3 bag/box of books, from 2:00 – 4:00 p.m. She encouraged everyone to bring their own reusable bags.

5. **CLOSED RECORD APPEAL OF A HEARING EXAMINER DECISION TO DENY A "TYPE III-B" VARIANCE TO ALLOW THE PITCH OF THE ROOF ON TWO MULTI-FAMILY BUILDINGS TO REMAIN AS CONSTRUCTED WITH LESS THAN A 4/12 SLOPE. THE BUILDINGS WERE CONSTRUCTED UNDER THE 30' HEIGHT LIMIT, BUT THE PITCH WAS REDUCED BETWEEN THE 25' AND 30' MARK INCONSISTENT WITH ECDC 16.30.030(A) FOOTNOTE #1. THE SITE IS LOCATED AT 23709 AND 23711 84TH AVE W. AND IS ZONED RM1-5. APPLICANT: MITCH SOROS / FILE NO. PLN20100040 AND APL20100003 NOTE: THE APPLICANT MADE A REQUEST TO WITHDRAW THE APPEAL ON 10-13-10. THE WITHDRAWAL WILL BE ENTERED IN THE RECORD AT THE MEETING.**

Planner Gina Coccia advised the applicant requested their appeal be withdrawn.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BERNHEIM, TO ACCEPT THE WITHDRAWAL AND ENTER IT INTO THE RECORD. MOTION CARRIED UNANIMOUSLY.

6. **PUBLIC HEARING ON THE PLANNING BOARD'S RECOMMENDATION REGARDING PROPOSED UPDATE TO THE COMPREHENSIVE PLAN PURPOSE, EFFECT AND CONTEXT STATEMENTS, AND HEARING EXAMINER COMPREHENSIVE PLAN REVIEW REQUIREMENTS.**

Planning Manager Rob Chave explained the update is necessary due to:

- New regional plan – Vision 2040
- New Community Sustainability Element establishing framework policies for the overall Comprehensive Plan
- Correcting outdated language and/or GMA references

Vision 2040 does the following:

- New regional plan establishes the policy guidance for the entire region
- Was developed through a collaboration of all jurisdictions as members of the Puget Sound Regional Council

- Reflects an emphasis on sustainability and an elevation of environmental principles within the planning context, consistent with Edmonds' own plan goals and policies
- Reflected in updated Regional Context section

Mr. Chave displayed and described a diagram illustrating the relationship between GMA, multicounty planning policies, countywide planning policies, local plans and Puget Sound Regional Council (PSRC) planning. He explained one of the reasons for the amendments relates to sustainability. The Community Sustainability Element states, "...intended to provide a framework tying the other plan elements together, illustrating how the overall plan direction supports sustainability within the Edmonds community." This is reflected in the updated language; examples including:

- Purpose section: "support sustainable development" and "provision of sustainable public services"
- Goal: that commercial & industrial enterprises support "achieving a sustainable community" – but are still not the "dominant activity of the community"

Mr. Chave commented commercial and industrial uses help make Edmonds sustainable. Referring to Edmonds as only a residential community ignores the relationship between uses. The goal also states commercial and industrial enterprises are not the dominant activity of the community.

The amendments are also necessary to address:

- The Plan purpose and effect has not been updated since GMA took effect
 - Does not reflect GMA hierarchy of policy and development regulations
 - Does not reflect evolution of city's development regulations since GMA and Regulatory Reform
 - Does not distinguish between the Hearing Examiner as a quasi-judicial decision-maker and the Planning Board/Council as policy-making bodies

Mr. Chave clarified the overall intent of the amendment was not to create new vision. The vision is reflected in the overall goals and policies. If the Council wanted to undertake a visioning process, that would be more appropriate as part of the 2014 Comprehensive Plan update.

Mayor Cooper opened the public participation portion of the public hearing.

Al Rutledge, Edmonds, referred to his comments to the Planning Board with regard to including language regarding affordable housing. He commented on the possibility of the proposed project on Sunset Avenue extending their application. Next, he reported the Hearing Examiner already visits sites that are the subject of hearings.

Roger Hertrich, Edmonds, relayed his interpretation that Edmonds is residential, noting there are no malls, the retail view is 180 degrees rather than 360, and there is no regional traffic other than ferry traffic and on Highway 99. He was concerned with the proposed amendment that eliminated residential to describe Edmonds. He suggested each Councilmember state their definition of sustainability, commenting the term was used loosely and means different things to different people. He questioned the penalty of not amending the code to reflect Vision 2040 and suggested the City's Comprehensive Plan reflect individualism. He expressed concern with removing "to promote public health, safety, order..." "orderly and coordinated development," "conserve and restore natural beauty," and "discourage piecemeal, spot or strip zoning" in favor of providing sustainable public services.

Hearing no further comment, Mayor Cooper closed the public participation portion of the public hearing.

Council President Bernheim expressed his support for retaining the language about discouraging piecemeal and spot zoning and regarding the residential nature of Edmonds. He suggested amending the language to state “achieving a sustainable residential community,” noting the community was primarily residential and his decisions as an elected official were made for the benefit of its residential character. He questioned the addition of “public” to the statement regarding preserving views. Mr. Chave responded the addition of public was to recognize that the City’s code only addresses public views such as in the shoreline regulations. With regard to Edmonds being a residential community, he acknowledged Edmonds was largely residential but the Planning Board recognized Edmonds as a sustainable community overall. He noted “residential community” related to residential suburbs and how suburbs originated in the 1940s, 1950s and 1960s. As growth has occurred, the area has become more diverse and downtown, Highway 99 and neighborhood centers form an integral part of the overall community. Replacing the residential language with sustainability language recognized that diversity. The language also recognizes that while commercial and industrial are important, they are not the overall focus of the community.

Council President Bernheim pointed out the Planning Board minutes included in the packet (June 23, 2010 public hearing) do not address the residential versus sustainable community language. Mr. Chave recalled the Planning Board briefly discussed the importance of sustainability but the residential nature of the community was not discussed in detail.

In response to Mr. Rutledge’s comment, Councilmember Buckshnis advised Mr. Chave and she are working on an interjurisdictional affordable housing project. Although she did not object to the regional language, she felt private projects should have City review and be consistent with the Comprehensive Plan. Mr. Chave explained the hierarchy in GMA is Comprehensive Plan policies, goals and statements form the general rubric; jurisdictions then adopt development regulations that carry those out. Competing goals and policies are balanced when the City develops its development regulations. If consistency determinations are made with regard to development regulations as well as the Comprehensive Plan, the result may be inconsistent decisions. There are instances when consideration is given to Comprehensive Plan Policies such as rezones, conditional use permits (CUP), etc., typically those decisions are more broad in scope and do not have specific development regulations to guide the decision. That is not proposed to be changed.

City Attorney Scott Snyder explained these provisions were in the Comprehensive Plan when State law provided that development regulations controlled over Comprehensive Plan provisions. In older code provisions, one of the criteria is consistency with the Comprehensive Plan. That changed with adoption of the GMA; the development regulations are subordinate to the Comprehensive Plan. The remedy for someone who thinks development regulations are not consistent with the Comprehensive Plan is appeal to the Growth Management Hearings Board (GMHB). The original purpose for the language has been obviated by the GMA. Mr. Chave explained the Legislature separated decisions regarding regulations’ consistency with the Comprehensive Plan; those decisions are heard by the GMHB. Challenges to specific decisions on projects, based on the City’s regulations, are heard by the local hearing authority and potentially by the court.

Councilmember Petso referred to the list of amendments she planned to propose, one of which was to retain the policy that private projects be consistent with the Comprehensive Plan. She relayed her personal experience that good policies in the Comprehensive Plan allowed a court to review things apart from the development regulations. She relayed an example: the City’s development regulations applicable to an area that frequently flooded set forth a drainage standard. She was able to convince a Superior Court Judge that a Comprehensive Plan study that evaluated the flooding and stated what needed to be done, should dictate the required drainage.

Councilmember Peterson relayed the working definition of sustainability in the Sustainability Element, created by the World Commission on Environment and Development states sustainable development

“meets the needs of the present without compromising the ability of future generations to meet their own needs.” He explained the idea of sustainability applies not only to environmental issues but is a very reasonable and valuable goal for the City. Mr. Chave encouraged anyone who did not understand what the City meant by sustainability to read the Sustainability Element.

COUNCIL PRESIDENT BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO DIRECT THE CITY ATTORNEY TO INCLUDE THE AMENDMENTS IN ORDINANCE(S) ADOPTING ALL OF THE 2010 COMPREHENSIVE PLAN AMENDMENTS FOR COUNCIL ADOPTION LATER THIS YEAR.

Councilmember Plunkett advised he planned to propose eight amendments.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE PROPOSED TO BE DELETED ON PAGE 1 OF EXHIBIT 1, “TO ANTICIPATE AND INFLUENCE THE ORDERLY AND COORDINATED DEVELOPMENT OF LAND AND BUILDING USE OF THE CITY AND ITS ENVIRONS, AND CONSERVE AND RESTORE NATURAL BEAUTY AND OTHER NATURAL RESOURCES.” AMENDMENT CARRIED UNANIMOUSLY

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE PROPOSED TO BE DELETED ON PAGE 1 OF EXHIBIT 1, “TO ENCOURAGE COORDINATED DEVELOPMENT AND DISCOURAGE PIECEMEAL, SPOT OR STRIP ZONING AND INHARMONIOUS SUBDIVIDING.” AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE IN PREVIOUS PARAGRAPH B, “PUBLIC PROJECTS. NO STREET, PARK OR OTHER PUBLIC WAY, GROUND, PLACE, SPACE, OR PUBLIC BUILDING OR STRUCTURE, OR UTILITY [WHETHER PUBLICLY OR PRIVATELY OWNED] SHALL BE ABANDONED, CONSTRUCTED OR AUTHORIZED UNTIL THE HEARING EXAMINER HAS REVIEWED AND REPORTED TO THE CITY COUNCIL ON THE LOCATION, EXTENT AND CONSISTENCY WITH THE COMPREHENSIVE PLAN. THE HEARING EXAMINER'S REPORT SHALL BE ADVISORY ONLY. NOTICE OF THE HEARING BY THE HEARING EXAMINER SHALL BE GIVEN IN THE MANNER SPECIFIED IN EACH CASE BY THE CITY COUNCIL.”

Council President Bernheim commented that having the Hearing Examiner review and issue an advisory opinion seems extraneous. He suggested consistency with the Comprehensive Plan be determined via other mechanisms. Mr. Snyder explained staff's logic is the Council develops a Transportation Improvement Program and other planning documents that list the projects the City plans to build which are then included in the Comprehensive Plan. Requiring the Hearing Examiner to review projects that the Council has already determined would be constructed for consistency with the Comprehensive Plan seemed redundant.

Councilmember Peterson echoed Council President Bernheim's comments.

Councilmember Plunkett acknowledged Council President Bernheim, Councilmember Peterson and Mr. Snyder's comments, explaining more public input and additional professional input can bring to light a number of issues; history has proven that to be the case.

UPON ROLL CALL, AMENDMENT FAILED (3-3), COUNCILMEMBERS PLUNKETT, BUCKSHNIS, AND PETSO VOTING YES; AND COUNCIL PRESIDENT BERNHEIM AND COUNCILMEMBERS FRALEY-MONILLAS AND PETERSON VOTING NO.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO REINSERT LANGUAGE PROPOSED TO BE REMOVED FROM THE LAST SENTENCE IN THE SECOND PARAGRAPH ON PAGE 3, "ITS DESIRED GROWTH LEVEL AND UP TO THE GOVERNMENT, PARTICULARLY ELECTED OFFICIALS."

Council President Bernheim did not support the proposed amendment, preferring a regional policy.

Councilmember Peterson echoed Council President Bernheim's comments, pointing out Edmonds was a member of PSRC and regional decisions were made with the City's input. Edmonds needs to be a good neighbor and work collaboratively.

Councilmember Plunkett recognized part of the intent of the amendments was to regionalize the City. He did not want to concede that the region would make a decision for him as an elected official in Edmonds. He was willing to work collaboratively but did not to give up what this paragraph suggests. He recognized the language was not sustainable because the GMA would frown upon it but as a local elected official, he wanted to retain as much local control as possible.

AMENDMENT CARRIED (4-2), COUNCILMEMBER PETERSON AND COUNCIL PRESIDENT BERNHEIM VOTING NO.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE PROPOSED TO BE REMOVED IN PARAGRAPH A.3 ON PAGE 3, "AND RESIDENTIAL NATURE OF THE AREA." AMENDMENT CARRIED UNANIMOUSLY.

Councilmember Plunkett recalled several years ago the Council considered whether to regulate views and determined it was impractical. At that time the Council voted 6-1 not to regulate views; he was the dissenting vote.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO REMOVE "PUBLIC" FROM A.4.c.

Council President Bernheim asked how this language would apply to any specific case as in his opinion views were not protected. To state in the Comprehensive Plan that development should strive to protect views when it could not be done was hypocritical. He supported the change recommended by the Planning Board although he did not believe public views were protected either. He recognized there were some legal view protections such as in the shoreline. Mr. Snyder noted there were also view corridor protection provisions for public projects. Under Washington law there is no protection of natural light or view. He referred to State goals on page 5, "Property rights: Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions" suggesting if the Council wanted to protect private views, it 1) be docketed for next year to allow for a full discussion of how to regulate views, or 2) the public hearing re-noticed as this was a significant change that was not considered by the Planning Board.

Councilmember Peterson echoed Council President Bernheim's comments, agreeing that to change the language to imply private views would be protected was untenable. If the intent of the Council was to protect private views, that raised an entirely different issue.

Councilmember Plunkett recognized that addressing views in this manner was awkward and problematic and he was willing to take Mr. Snyder's suggestion and raise the issue in a different format.

COUNCILMEMBER PLUNKETT PROPOSED WITHDRAWING HIS MOTION; THE SECOND, COUNCILMEMBER PETSO, DID NOT AGREE AND REQUESTED FURTHER DISCUSSION.

Councilmember Petso disagreed with Mr. Snyder that this was not discussed by the Planning Board, noting the change suggested in the amendment was to retain the language as it currently exists.

Councilmember Fraley-Monillas pointed out in addition to the language regarding views the section states any growth or development should strive to preserve for itself and its neighbors the following values: light, privacy, freedom from air, water, noise and visual pollution. She suggested deleting the entire section, pointing out the City's ability to enforce preservation of light and freedom from air, water, noise and visual pollution was limited.

Councilmember Plunkett pointed out the language regarding preserving views and freedom from air, water, noise and visual pollution has existed in the Comprehensive Plan. He asked whether the language has created problems for the City. Mr. Snyder responded the City has development regulations that require stepbacks of upper stories to preserve sunlight. The issue of preserving privacy arose during the Council's discussion regarding backyard play equipment. The City's standard police powers allow regulation of noise pollution via the noise ordinance and visual pollution via the sign ordinance and Architectural Design Board. He summarized the majority of the provisions were already reflected in the City's development regulations and were standard exercises of the City's police powers. The City clearly does not regulate views; Councilmember Plunkett's amendment appeared to indicate that the City would take a broader viewpoint and seek to preserve both public and private views.

Responding to Councilmember Plunkett, Councilmember Petso stated a policy that required growth and development to preserve light, privacy, views, and shorelines was a good policy. She recalled one of these provisions was before the Council in Council President Bernheim's case with regard to the building behind his property obstructing light. To the extent there is any legal authority to the Comprehensive Plan, she wanted courts to find that the City cared about new development preserving light, natural features, etc. rather than the court finding the City no longer cared because they removed the language from the Comprehensive Plan.

Council President Bernheim clarified in his lawsuit the issue was an ordinance that restricted construction of new buildings above a certain height in the BD zone if it interfered with a neighbor's view. Following the litigation, the City Council repealed that view protection ordinance. Mr. Snyder commented staff's concern was taking from one party and giving to another which is a broader property rights issue.

For Councilmember Plunkett, Mr. Snyder explained removing "public" implies private views are protected and makes this section inconsistent with the City's development code. Washington law does not protect views and the proposed amendment would transfer development rights from one party to another in violation of the later provision. The proposed amendment clarifies and makes this sentence consistent with the City's code. If the Council wants to protect private views, it is a very complex subject. He preferred not to create an expectation that private views would be protected via the amendment Councilmember Plunkett proposed.

Councilmember Plunkett pointed out the language has existed for a long time and he assumed it has been identified by applicants in the past. He asked whether the City has relied on precedent that views are not protected. Mr. Snyder referred to Council President Bernheim's explanation, noting the provision in the code that potentially implemented view protection over a certain height was removed from the code. The code does not contain any private view protection provisions; the code does refer to consistency with the Comprehensive Plan for decisions such as rezones. Mr. Chave explained the language that referred to ADB review with regard to views was removed because there were no standards and as such was

unenforceable. He summarized the language as it currently exists is a standalone statement that implies view protection but there is no implementing development regulation.

Mr. Snyder clarified staff was not saying the Council could not regulate views. View protection has been discussed several times over the years; it is a very complex subject because it requires defining views and view corridors, what protections a property owner has and potentially changing property owners' assumptions.

AMENDMENT FAILED (2-4), COUNCILMEMBERS PLUNKETT AND PETSO VOTING YES.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO REINSTATE THE LANGUAGE PROPOSED TO BE REMOVED FROM A.6 ON PAGE 5, "TO ENSURE THAT THE REGIONAL GROWTH POLICY IS CONSISTENT WITH THE STATED LOCAL POLICY," SO THAT A.6 READS, "EDMONDS SHOULD COOPERATE WITH SURROUNDING COMMUNITIES TO ENSURE THAT THE REGIONAL GROWTH POLICY IS CONSISTENT WITH THE STATED LOCAL POLICY AND HELP ENSURE A COORDINATED IMPLEMENTATION OF THE REGIONAL GROWTH STRATEGY. AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE PROPOSED TO BE DELETED IN SECTION A, "CREATE A REGIONAL SYSTEM OF CENTRAL PLACES FRAMED BY OPEN SPACE."

Mr. Chave explained the language proposed to be removed was included in the old Vision 2020 and is not stated in that manner in the Vision 2040 plan. The 2040 Plan elevates environmental issues, making them more prominent, but does not use that phrase.

AMENDMENT CARRIED (5-1), COUNCILMEMBER PETERSON VOTING NO.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO RETAIN OLD PARAGRAPH E UNEDITED, "TO FACILITATE PROVISION FOR PUBLIC SERVICES – SUCH AS TRANSPORTATION, POLICE AND FIRE PROTECTION, WATER SUPPLY, SEWAGE TREATMENT, AND PARKS."

Council President Bernheim pointed out the old paragraph E was very similar to new paragraph D which was revised to read, "To facilitate adequate the provisions ~~for~~ of sustainable public services – such as transportation, police and fire protection, water supply, sewage treatment, and parks – that are consistent with the community's values and needs. He asked why Councilmember Petso was not satisfied with the proposed revision. Councilmember Petso responded adequate was the key word; adequate public services took precedence over sustainable public services, particularly police and fire protection. The use of adequate also matched the State goal. She did not feel the need to include the language at the end of the sentence, "that are consistent with the community's values and needs" as long as adequate was included.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND TO INCLUDE, "THAT ARE CONSISTENT WITH THE COMMUNITY'S VALUES AND NEEDS.

Councilmember Peterson asked why staff had rephrased the paragraph. Mr. Chave responded there was a big difference between adequate and sustainable. For example, he envisioned citizens would have a more positive reaction to the City providing sustainable public facilities rather than adequate public facilities. Sustainability addresses a much broader set of issues, not just level of service, but also financial support, ensuring the City has the wherewithal to provide services today and in the future. Councilmember Peterson pointed out the City has a working definition of sustainable and he questioned the definition of

adequate. He recommended the City strive to be more than adequate and to include sustainability language whenever possible, particularly with regard to transportation, fire and fire protection, water supply, sewage treatment and parks. Those key elements of City government need to be sustainable.

AMENDMENT CARRIED (4-2), COUNCILMEMBERS PETERSON AND BUCKSHNIS VOTING NO.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND TO INCLUDE “SUSTAINABLE,” SO THAT ITEM D READS, “TO FACILITATE ADEQUATELY THE PROVISION OF SUSTAINABLE PUBLIC SERVICES – SUCH AS TRANSPORTATION, POLICE AND FIRE PROTECTIONS, WATER SUPPLY, SEWAGE TREATMENT AND PARKS – THAT ARE CONSISTENT WITH THE COMMUNITY’S VALUES AND NEEDS.”

Councilmember Petso pointed out the Comprehensive Plan already included a Sustainability Element. Her intent via the amendment was a commitment of policy to have adequate public services. She preferred to provide adequate public services and do it sustainably.

Councilmember Fraley-Monillas commented adequate was not the appropriate way to describe the provision of public services. The City’s services need to be sustainable and not just adequate.

AMENDMENT CARRIED (4-2), COUNCIL PRESIDENT BERNHEIM AND COUNCILMEMBER PETSO VOTING NO.

UPON ROLL CALL, THE AMENDMENT (AS AMENDED) FAILED (3-3), COUNCILMEMBERS PLUNKETT, FRALEY-MONILLAS AND BUCKSHNIS VOTING YES; AND COUNCIL PRESIDENT BERNHEIM AND COUNCILMEMBERS PETSO AND PETERSON VOTING NO.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO INCLUDE THE LANGUAGE IN OLD PARAGRAPH A ON PAGE 2, “PRIVATE PROJECTS. ALL PRIVATE PROJECTS REQUIRING CITY REVIEW AND APPROVAL SHALL BE CONSISTENT WITH THE COMPREHENSIVE PLAN.”

Mr. Snyder pointed out the proposed language in new paragraph B states the goals and policies of the Comprehensive Plan shall serve as a guide for all development projects – both public and private. He suggested inserting old paragraph A at the end of new paragraph B.

COUNCILMEMBER PETSO WITHDREW HER AMENDMENT WITH THE AGREEMENT OF THE SECOND.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO ADD THE LANGUAGE, “ALL PROJECTS REQUIRING CITY REVIEW AND APPROVAL SHALL BE CONSISTENT WITH THE COMPREHENSIVE PLAN” AT THE END OF NEW PARAGRAPH B.

Mr. Chave commented by including language requiring that all projects be consistent with the Comprehensive Plan creates a problem with the development regulations. Some development regulations specifically test for consistency and others do not because the regulations were developed to be consistent with the Comprehensive Plan. He preferred not to imply that the Comprehensive Plan would be reviewed for policies that support each development/project when that was not the City’s practice.

Councilmember Plunkett suggested including the language “when applicable.” Mr. Snyder answered that was the intent of the new paragraph B, that the goals and policies of the Comprehensive Plan shall serve as a guide. Mr. Chave clarified it was one thing to use the Comprehensive Plan as a guide; it would be

very different to require affirmative findings that all developments/projects were consistent with the Comprehensive Plan.

Council President Bernheim commented the amendment was not to require affirmative findings, only that projects be consistent with the Comprehensive Plan which would allow someone who objected to a project to raise an inconsistency with the Comprehensive Plan as the basis for their objection. He asked whether there were public/private projects that were inconsistent with the Comprehensive Plan. Mr. Chave answered it was by implication; when development regulations are adopted, there are findings that the regulations further and implement the Comprehensive Plan. By implication, approving a project that was consistent with the regulations meant it was also consistent with the Comprehensive Plan. A new requirement that requires second guessing whether the regulation was consistent with the Comprehensive Plan in addition to reviewing the project against development regulations creates a situation that invites challenges. Rezones, CUP and subdivisions include criteria that require review for consistency with the Comprehensive Plan.

Mr. Chave did not agree with including a general statement that implied that the Comprehensive Plan would be reviewed for each and every project. He used an accessory dwelling unit (ADU) as an example, explaining the regulations regarding ADUs further the purposes of the Comprehensive Plan but there are few policies in the Comprehensive Plan specifically related to ADUs. Mr. Snyder provided an example: a property owner applies for a 25-foot building; a person opposes it, stating it is not consistent with the Comprehensive Plan. Typically the specific controls the general. By including the amended language as part of paragraph B, it would be read in context. He agreed with Mr. Chave that standalone criteria could be problematic.

AMENDMENT CARRIED (4-2), COUNCILMEMBERS BUCKSHNIS AND PETERSON VOTING NO.

THE VOTE ON THE MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

7. PUBLIC HEARING ON 2011 BUDGET AND REVENUE SOURCES/

Mayor Cooper advised staff was present to record questions; answers would be provided to the Council and the public at the October 26 budget workshop. Mayor Cooper opened the public participation portion of the public hearing.

Ron Wambolt, Edmonds, thanked Mayor Cooper and Finance Director Lorenzo Hines for providing a weekly list of frequently asked budget questions, finding it an efficient way to provide information to citizens. He was perplexed to see 2011 budget figures compared to 2010 budget figures rather than 2010 estimates. The practice in the past has been to compare the budget to the previous year's estimates. The reason for the comparison is to determine trends; comparing the current budget to the previous year's budget defeats that effort. For example, the expenditure summary by fund shows a decrease in the 2011 budget over the 2010 budget of \$3.5 million or 4.9%; the real change is reflected by comparing the 2011 budget to the 2010 estimates, an increase of over \$2 million or 3.1%. Pointing out that compensation in the 2011 budget for the City's 211 employees amounts to 53% of all expenses, he suggested that element of the budget needed thorough review by the Council. The proposed Non-Represented Compensation (NRC) plan for 2011 will soon be presented to the Council; adjustments to the NRC result from benchmarking City salaries with several other cities. Due to the current economic environment, he recommended the City's review also consider employee concessions as well as COLAs and pay cuts in comparable cities. He also suggested Snohomish and King Counties as well as State employees be included in the benchmarking.

Betty Larman, Edmonds, explained last year \$36,500 was transferred from the Flower Program Trust Fund into the General Fund. This violates RCW 35.21.100 that states when there are terms or conditions attached to a donation, the city must use the funds to carry out the terms of the donation. She requested the \$36,500 be returned to the Flower Trust Fund and that the Council ensure such a transfer does not occur again. She pointed out the Mayor's survey revealed after police and fire, the flower program is the most important to citizens. The flower program is an economic driver for the City; many people visit to look at the corner gardens and baskets that are created and maintained by the Parks Department and Floretum Garden Club.

Al Rutledge, Edmonds, commented the City has an excellent fund balance. He encouraged the Council to implement protections in order to make the right decisions. He anticipated the fund balance and projected revenues would be sufficient to fund City operations.

Hearing no further comment, Mayor Cooper closed the public participation portion of the public hearing.

Mayor Cooper relayed Council President Bernheim's preference that Councilmembers submit questions and requests for additional information to the Mayor's office and he will ensure the questions are forwarded to the appropriate director for response at the October 26 budget workshop. He advised additional information regarding decision packages, such as \$50,000 for traffic calming, would also be provided to the Council at the budget workshop.

8. AUDIENCE COMMENTS

Natalie Shippen, Edmonds, requested Washington State Ferry's proposed alternative to replace the Mukilteo terminal be scheduled on two City Council agendas. In an October 12 email, City administration revealed to the Council WSF's proposal for two development concepts for the Main Street terminal designed to eliminate the need for a Mukilteo terminal. Edmonds Crossing has also been reviewed by WSF. Mayor Cooper and Mr. Clifton had significant concerns about, 1) the existing Main Street concept and 2) the Main Street improvements concept. The City convinced WSF to hold a public scoping meeting on October 27 from 4:00 – 7:00 p.m. in the Brackett Room at City Hall. To better inform residents, she recommended the Council schedule a report from administration on the October 26 agenda. The report would explain WSF's proposal at the Main Street and Edmonds Crossing sites and the administration's position on those proposals. Following the scoping meeting, she suggested the Council schedule a public hearing on November 1 or November 16. The Council could then convey its reactions to WSF's proposals prior to the November 19 public comment deadline. She pointed out the consequences of WSF's proposals is that service to Edmonds would be provided from both Kingston and Clinton which is in addition to the stated desire in the long range plan to divert traffic from the Bainbridge-Seattle route. She cited the importance of informing citizens via the meetings she proposed.

Al Rutledge, Edmonds, explained the Edmonds Log Cabin was donated to the City in 1975 and moved to its current site. In 2000 when the City contemplated removing the building due to needed repairs, a group of citizens raised \$103,000 to restore the cabin. Recognition of the 10th anniversary of the restorations will be held on October 30 from 11:00 a.m. – 1:00 p.m.

Roger Hertrich, Edmonds, pointed out the ADB must state in their motions that their decision is consistent with the Comprehensive Plan. Next, he expressed disappointment that the City and the public had not been properly informed regarding WSF's plans for the Main Street terminal. He expressed concern with the potential for 2 slips, 5 toll booths, increased bus bays and the accompanying traffic. He feared the expansion would cause Edmonds to simply become a highway as well as impact future plans for the waterfront. He recommended the Council revisit the 4 No's, the City's original response to expansion of the Main Street terminal. He supported Ms. Shippen's suggestion to hold a public hearing so

that citizens could learn about WSF's plans. He commented if the Main Street terminal were expanded, the traffic lights on 9th Avenue would be needed.

Ron Wambolt, Edmonds, welcomed Councilmember Fraley-Monillas back and wished her a speedy recovery. Next, he quoted from County Executive Aaron Reardon's 2011 Snohomish County budget address, "It's time for government to accept that the game has changed. The economic turmoil we've seen over the past three years has set a new baseline for both the public and private sector. Our job now is not to look back at how things were done in the past, but to continue charting a path forward that provides for the needs of our people in a sustainable way." He felt this was good advice for Edmonds as well.

Councilmember Plunkett explained there was a proposal to move the Mukilteo terminal to Edmonds and to use the old Antique Mall site for parking. He asked whether the State, via eminent domain, could remove a park in that area. Mr. Snyder answered it would depend on the source of funding for the park. He explained one of the reasons the City purchased property to the north with federal funds was to invoke a provision of federal funding that prevents agencies that receive federal highway funds such as the ferry system from acquiring parking property that was acquired with federal funds. He offered to provide a written response under the attorney-client privilege. This topic had been addressed in the past, it was part of the strategy for acquiring the old marine site, and would require limited research.

9. DISCUSSION OF COMPLETE STREETS PROGRAM.

Councilmember Peterson explained Complete Streets is a guiding principle that encourages the City to consider pedestrians, bicycles and ADA compliance as infrastructure improvements are made. Cascade Land Conservancy (CLC) presented a draft Complete Streets ordinance to the Community Services/Development Services Committee who forwarded it to the full Council.

Jeff Aken, Cascade Land Conservancy, explained CLC and Cascade Bicycle Club (CBC) have been working with Edmonds citizens, City staff and Councilmember Peterson to develop a Complete Streets ordinance. He provided the definition of Complete Streets, "designed and operated to enable safe access for all users." Under old assumptions, bike, pedestrian, disabled and bus access were seen as an amenity or an optional component of street design. Complete Streets accommodates all users; if users cannot be accommodated, a reasonable explanation is required why the services/accessibility cannot be provided. A Complete Streets ordinance is about creating a structure for implementing the improvements.

The ordinance builds on the City's current plans:

- Transportation Master Plan Policy 2.4 – design arterial and collector streets as complete streets that serve automobile, transit, pedestrian and bicycle travel.
- Sustainability Element Comprehensive Plan A.1 – holistic solutions should be developed that employ such techniques as low impact development, transit oriented development, complete streets that support multiple modes of travel and other techniques that assure future development and redevelopment enhances Edmonds' character and charm for future generations to enjoy.
- Strong citizen support

Complete Streets infrastructure includes sidewalks, traffic calming, shared use paths, paved shoulders, accessible curbs, crosswalks, planting strips, medians, curb bulbs, street furniture, etc. Not all elements are required; it is an engineering judgment where the components are appropriate. He displayed photographs of traffic calming, crosswalks, bike lanes, medians, planting strips, and access to transit.

To the question of why to routinely accommodate the public's needs in the public right-of-way, **David Hiller, Cascade Bicycle Club**, explained 33% of the public in central Puget Sound cannot drive because they are too young, disabled, etc. In addition, a PSRC survey found that 4 out of 10 households have no access to a motor vehicle. This illustrates the need for a comprehensive, edge of the right-of-way look at

how the public is served by the public right-of-way. Reasons include livability, health, safety, equity, economic development, and limited additional cost.

Cities with Complete Streets ordinances include Kirkland, Everett, Issaquah, Redmond, Renton, Seattle, Sedro Woolley, Tacoma, Tukwila as well as 168 jurisdictions nationwide. Kirkland's ordinance is simple and codified the language from the Federal Highway Administration. The Complete Streets ordinance applies to new projects and major maintenance of existing infrastructure. Exceptions include cost excessively disproportionate to need or probability of use, locations where bikes and pedestrians are prohibited, and locations where there is an absence of current and future need.

Councilmember Plunkett assumed Complete Streets would include additional bike lanes and therefore a reduction in lanes for automobiles. He noted there had been an appreciable reduction in car lanes in Seattle to create bicycle lanes. Mr. Hiller answered there needs to be a balance in the public space and meeting the public's needs. An example would be re-channelization to add protected pedestrian crossings. Such engineering judgments would be made by staff.

Councilmember Plunkett asked if the ordinance could state where there is not a bike lane, lanes for traffic could be reduced. Mr. Hiller stated the ordinance was not written in that manner and the intent was not to pit people against each other in the public space. The intent was to build a public space that does not disenfranchise people whose needs have previously been looked at as secondary. He pointed out 25% of all trips are a mile or less, yet many environments are constructed so that it is easier to drive that mile than to walk. The ordinance provides a rationale for exceptions so that instead of only the occasional project accommodating access, staff would need to justify why not to accommodate pedestrians, bicycles and the disabled.

Councilmember Plunkett recognized the result was often eliminating space for cars in order to accommodate a more balanced approach. He asked if the exceptions would be approved by the Council. Mr. Aken responded most decisions would be guided based on plans in place; for example the Transportation Plan has streets that are identified as pedestrian and/or bike streets. Mr. Hiller commented it was also context appropriate. For example a dead end street that does not currently have sidewalks likely does not need sidewalks due to low speeds and low traffic volumes. A rural 2-lane highway may only need a 4-foot shoulder. The approach on a street downtown may include 8-foot sidewalks, street trees, enhanced light fixtures, etc., but may not need dedicated bicycle facilities because traffic speeds are relatively slow.

Councilmember Plunkett asked whether HOV lanes in an urban area were part of Complete Streets. Mr. Hiller answered that would depend on the City's Transportation Plan.

Councilmember Plunkett asked the increase in cost to accommodate Complete Streets. Mr. Hiller answered a marginal cost analysis of Complete Streets conducted by the Oregon Department of Transportation found that the average cost increase of a design/build project was 1-4% which was lower than the average cost overrun. He advised that report was available online.

Councilmember Buckshnis commented this was the third Complete Streets presentation she had seen. Her understanding was the Complete Streets ordinance would encourage the City to consider pedestrians and bicycles in transportation and comprehensive planning.

Council President Bernheim noted the draft Complete Streets ordinance was not included in the Council packet. Councilmember Peterson explained a draft ordinance was presented to the Community Services/Development Services Committee. Staff, Councilmember Petso and he had several questions and felt it was more appropriate to introduce the concept to the City Council and then with the help of

CLC, CBC and staff, develop a draft ordinance for another review by the Community Services/Development Services Committee and then the full Council.

Student Representative Gibson asked about the purple area on the map downtown. Mr. Aken advised the map was in the City's Transportation Plan and the purple denoted commercial nodes.

(Councilmember Fraley-Monillas left the meeting at 10:00 p.m.)

Councilmember Peterson thanked CLC and CBC for conducting a number of community meetings to gauge Edmonds' citizens interest in Complete Streets. Staff has been working on many of these ideas in the past and this is an opportunity to formalize their ideas in ordinance form so that these improvements are considered during major maintenance projects 10-20 years in the future. He looked forward to working with CLC, CBC and staff to develop an ordinance.

COUNCIL PRESIDENT BERNHEIM MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO EXTEND THE MEETING FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY. (Councilmember Fraley-Monillas was not present for the vote.)

10. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF OCTOBER 12, 2010.

Community Services/Development Services Committee

Councilmember Peterson reported the Committee delayed review of organization and membership of Community Technology Advisory Committee to next month's meeting. The Committee considered an authorization of \$82,415 in motor vehicle fuel tax from the Street Construction/Improvement Fund (Fund #112) for the 2009 Asphalt Overlay Project which was approved on tonight's Consent Agenda. The Committee also was provided a presentation on oversight of the Edmonds Underwater Park and use of buoys. Staff provided an overview of 196th Street SW/88th Avenue W Intersection Study. Councilmember Petso offered to discuss this item with Councilmember Wilson since he asked Council to reconsider and review the findings of the 2007 traffic study and further discussion may occur at the November Community Services/Development Services meeting

Finance Committee

Councilmember Buckshnis reported the Committee discussed the Mayor's discretionary pay increases for vacant positions. Ms. Humann and the City Attorney will revise the current regulations to provide a time limit. The Committee also discussed and reviewed debt service in Funds 125 and 126. Councilmember Petso suggested paying off bonds early, moving debt to Fund 125, or using funds from the Public Safety Reserve Fund to pay off the bonds. The Edmonds Chamber of Commerce requested \$5,000 for the 4th of July. It was agreed future funding requests would be considered as part of the annual budget. Next, Ms. Humann provided a report on the health benefits process and consultant analysis. She also presented the 2011 Non-Represented Compensation Policy (NRC); this will be presented to the full Council for discussion.

The Committee also discussed the Professional Services Contract with Prosecutor Zachor Thomas, Inc. As a result of questions raised tonight by Councilmember Petso, this will be discussed further at the November meeting. The Committee recommended approval of an ordinance related to making public records available via the internet. Mr. Hines presented revenue and expenditure trends for the General Fund and current forecasts for the City's major revenue sources

11. MAYOR'S COMMENTS

Mayor Cooper provided a reminder that Thursday, October 21 is the first day of the Edmonds International Film Festival and continues through Sunday, October 24. Unrelated to the Film Festival, a

movie was filmed downtown yesterday in front of the theater from noon until after midnight. They came to Edmonds after hearing good things about the City's relationship and willingness to work with the Film Festival. After the shoot, they sent the City Clerk an email expressing their thanks for the treatment they received from the City.

With regard to Edmonds' selection as the location for the next Dick's Drive-In, Mayor Cooper expressed his thanks to Stephen Clifton and Rob Chave and their staffs for the work they did. While other cities were making speeches about how hard they were working to attract Dick's Drive-In to their community, Edmonds staff quietly went about their business answering the Spady family's questions. The Spady's had a very positive reaction to staff's work and they have repeatedly thanked staff for answering their questions promptly. He also thanked Council President Bernheim for his participation to ensure the Spady's were aware the elected officials also supported their locating in Edmonds. He commented that while Dick's Drive-In may not be the biggest business around, it is an icon in the community and a signal to other businesses that Edmonds is open for business. He noted the homecoming assembly at Edmonds-Woodway High School was interrupted to announce Edmonds' selection as the site for the next Dick's Drive-In.

With regard to WSF's proposal, Mayor Cooper encouraged the Council and the public to attend the public meeting on October 27. He explained the scoping being done by WSF is to comply with Environmental Protection Act requirements to scope multiple locations for a ferry terminal in addition to the Mukilteo terminal. In May Mr. Clifton and former Mayor Haakenson learned there were eight possible sites including the existing Mukilteo site, a site in south Everett and two in Edmonds – a single slip site at Main Street and a site at Edmonds Crossing. A few days before notice was published regarding public meetings in Mukilteo and in Clinton, Edmonds learned there were nine proposals; the ninth being a double slip at Main Street. Mr. Clifton contacted WSF to suggest they hold a public meeting in Edmonds if three of the nine sites under consideration were located in Edmonds. WSF's initial response was they planned to have an online meeting. Mr. Clifton and he informed WSF that was not acceptable and within a few hours WSF added a public meeting in Edmonds on October 27 as well as a meeting in Everett. He has subsequently been in contact with the legislative delegation in the 32nd and 21st District to express his concerns.

Mayor Cooper explained expansion in Edmonds would encroach on two existing parks at Brackett's Landing, widen the existing ferry terminal pier to eight lanes, lengthen the pier and provide two finger piers/slips. Staff is in the process of developing comments that Mr. Clifton and he will provide on behalf of the City at the October 27 meeting to express the City's concerns and reminding that the Main Street site was not a preferred alternative when consideration was given to expanding the Edmonds terminal and that the mid-marina and Pt. Edwards site were the preferred sites. Staff also has concerns with upland environmental impacts on the community, cutting off the waterfront at Main Street, closing Main Street from Sunset Avenue to Railroad Avenue, and the on-grade railroad crossing as well as water related environmental issues such as the impact of additional prop wash on eel grass beds and the ability to use the underwater dive park. Staff and he plan to be very vocal about their opposition to Main Street being considered as an alternative to the Mukilteo site. He concluded the result of relocating the Clinton route to Edmonds would be an additional 18 boats which is not acceptable to him or staff and he hoped would not be acceptable to the City Council.

Mayor Cooper relayed he has been in contact with Mukilteo's Mayor Joe Marine and they both believe Edmonds and Mukilteo have valuable ferry communities; the ferry terminals are economic drivers and each community should have their own ferry terminal. They will not allow WSF to destroy Mukilteo's or Edmonds's downtown or waterfront.

Mayor Cooper encouraged Councilmembers to review the materials regarding WSF's proposal that were emailed by Mr. Clifton. All the information WSF is considering is available on WSF's website. He encouraged the public to attend and speak at the October 27 meeting.

12. COUNCIL COMMENTS

Councilmember Buckshnis thanked the Mayor for his efforts regarding WSF's proposal. She thanked the United Methodist Church, the People of Puget Sound and the Friends of the Marsh for their participation in the Marsh Cleanup. She also thanked the volunteers of the Off Leash Area Edmonds for their assistance with Halloween Howl which raised \$1000.

Councilmember Buckshnis reported Council President Bernheim, Mayor Cooper, Human Resources Director Debi Humann and she met with the Finance Department to discuss short term goals of financial clarity and better communication as well as long term goals of financial clarity, compliance with the ordinance and perhaps placing a levy on a future ballot. Issues raised included questions not being answered, monthly and quarterly report compliance with the ordinance, communicating so everyone is on the same page, and comparing Edmonds to other cities. Issues related to the monthly and quarterly reports will continue to be discussed because the Finance Department believes they are complying with the policies. With regard to questions not being answered, Mr. Hines indicated he does not see this as a problem nor does he believe it is being disrespectful because he is a very busy person. She emphasized it was all about perception. She hoped future questions posed to the Finance Department would be answered in a timely manner.

Councilmember Plunkett welcomed Student Representative Peter Gibson. He thanked Student Representative Gibson for speaking at the first meeting and encouraged him to continue speaking at future Council meetings.

Councilmember Petso relayed a request from Councilmember Wilson for the Council to renew the Council Assistant's contract which she noted had been rescheduled to next week's agenda. Councilmember Wilson also requested the Council consider authorizing the use of Council Chambers for a forum regarding Proposition 1 (the additional \$40 vehicle license fee).

Councilmember Petso commented she was excited to have Dick's Drive-In locate in Edmonds. She relayed her son's disappointment that he would graduate from Edmonds-Woodway High School before the Dick's Drive-In opened.

Councilmember Petso remarked last weekend she contributed to Mt. Vernon's gas tax and sales tax revenue while attending a soccer tournament this weekend. Unfortunately when the Mt. Vernon team plays her son's team, they will not have the opportunity to contribute to Edmonds' sales tax revenue because the games will be played in Bothell rather than Edmonds.

Councilmember Peterson noted events in Edmonds this weekend include the Edmonds International Film Festival, the Friends of the Edmonds Library Book Sale honoring Peggy Pritchard-Olson on Saturday, and shows at the Edmonds Center for the Arts on Thursday and Sunday. Further information is available at ec4arts.org.

Councilmember Peterson reported on Snohomish County Green Drinks, an international movement where people concerned about the environment and sustainability meet. Many of the people attending the event hosted at Pt. Edwards were happy the event was held in Edmonds because Edmonds was the most sustainable city in Snohomish County.

Council President Bernheim echoed Councilmember Buckshnis' comments regarding the meeting with the Finance Department. He pointed out every other city in Washington whose financial reports have been examined submit reports to their City Council and citizens in a format that is completely different than Edmonds. He found all the other cities' reports extremely comprehensive and understandable. That has not been his experience with Edmonds' reports. He clarified that was not a criticism of the current administration but the way that reports have been prepared for a long time. He looked forward to voluntary changes in the reporting format.

Council President Bernheim thanked everyone for the demonstration of organization and efficiency in the Comprehensive Plan amendment discussion, noting when Councilmembers come prepared with amendments they can be reviewed in an orderly manner.

Council President Bernheim reported the Council interviewed three extremely qualified candidates for the Budget Analyst position. Although he was favorably impressed by them all, he remained opposed to the idea of the Council hiring its own Budget Analyst. He was committed to placing the responsibility for explaining the City's budget in the Mayor's office and was willing to work with Mayor Cooper to make any improvements necessary to ensure that happened. The Council cannot be fighting with the Finance Department over providing clear financial information. It is a crucial matter that is approaching a crisis point.

Council President Bernheim reviewed the upcoming schedule for the budget review:

- October 26 – 2 hour budget workshop. This is the opportunity for Council to bring their budget questions/comments/suggestions
- November 9 – Finance Committee will consider any unanswered budget questions
- November 16 – Third Quarter Budget Report
- November 23 – Public comment on the budget
- December 7 – Final consideration of the budget

Council President Bernheim suggested a short presentation be made by Mayor Cooper and/or Mr. Clifton at the next meeting regarding WSF's proposal.

He suggested the Council consider Councilmember Petso's suggestions to refinance bonds and/or increase parks acquisition funding by using the \$600,000 from the sale of fire equipment to pay off bonds. He was interested in developing a plan that would be endorsed by the Finance Department.

Councilmember Plunkett expressed concern with Council President Bernheim's proposal for the Finance Committee to consider any unanswered budget questions and suggested that be reconsidered. Councilmember Plunkett suggested Councilmembers present any amendments to the budget in writing. Council President Bernheim explained his intent was for Councilmembers to provide amendments in writing prior to the October 26 budget workshop for discussion at the workshop.

Councilmember Buckshnis asked whether the Council will receive actuals and trends prior to the October 26 workshop. Mayor Cooper answered staff is working on it.

13. ADJOURN

With no further business, the Council meeting was adjourned at 10:32 p.m.